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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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October 20, 1992

Mr. David I. Hodson
General Manager
Kennecott Corporation
8200 South 9600 West
P. O. Box 311
Bingham Canyon, Utah 84006-0311

Dear Mr. Hodson:

Re: Conditioned Final Approval, Permit Revision, Kennecott Corporation,
Barney's Canyon Mine, M/035/009, Salt Lake County, Utah

This letter is to advise you that on October 14, 1992, the 30-day public comment period expired for Kennecott Corporation's Barney's Canyon Project expansion (permit revision). Prior to the expiration date, the Division received written objections from two organizations regarding the permit revision. Both petitioners have requested a formal hearing to present their objections. Copies of their objections are enclosed.

Pursuant to section 40-8-13(5)(d)(iii), of the Utah Mined Land Reclamation Act, *If written objections of substance are received, the division shall hold a formal adjudicative proceeding.* The Division has determined the objections regarding the highwall and revegetation variances to be substantive. We will prepare a Notice of Agency Action, forward a copy to all affected parties, and publish notice of a formal Board Hearing to be scheduled for December 2, 1992.

At this time, the Division is prepared to grant a conditioned final approval of the Barney's Canyon permit revision. If you wish to accept a conditional permit, the permit is hereby granted with the exception of the variance requests for R647-4-111.7, Highwalls and R647-4-111.13, Revegetation Standard. The project expansion may proceed as proposed, except for those portions of the mine development and reclamation plan which may be affected by these variances. Depending on the final outcome of the Board hearing, the variances may be


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approved as proposed or supplemental changes to the permit revision and related additional surety may be required to reflect the final ruling of the Board.

Kennecott is hereby advised that a decision to proceed with construction activities, as contemplated in the conditioned approval, prior to the resolution of the variance concerns, is done at the company's risk and with full knowledge that the final outcome of the hearing may warrant changes to the mining and reclamation plan as currently proposed for revision.

Questions or concerns may be addressed to me, Thomas Mitchell, Assistant Attorney General, or D. Wayne Hedberg of my staff.

Best regards,



Dianne R. Nielson
Director

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Enclosures
cc: Scott Endicott, Sierra Club
John Williams, TAME TIC Committee
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